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## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 9th December, 1960:—

### I

BILL No. XXV OF 1960

*A Bill to provide for the prevention of hoarding of and profiteering in essential commodities in daily use.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Hoarding and Profiteering Prevention Act, 1960.

Short title,  
extent, com-  
mencement  
and applica-  
tion.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall, in the first instance, apply to the articles specified in the First Schedule.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “dealer” means any person carrying on the business of selling any scheduled article, and includes a producer, importer, wholesaler or retailer;

(b) "hoarding" means accumulating goods or stocks meant for sale with a view to cornering them, so as to raise their prices by creating a short supply or by bringing them for sale at prices which are not competitive;

(c) "importer" means any person who brings any scheduled article into the State where he carries on his business from any place outside the State for the purpose of sale in the State;

(d) "producer" means a person engaged in the production, manufacture or processing of any scheduled article;

(e) "profiteering", with its grammatical variations and cognate expressions, means the sale by a dealer of any scheduled article at a price or rate higher than that fixed under section 3;

(f) "retailer" means a person who sells any scheduled article to a consumer not being a dealer;

(g) "scheduled article" means an article specified in the First Schedule; and

(h) "wholesaler" means a dealer who sells any scheduled article to any other dealer, and includes a broker, commission agent or any other agent having authority to sell any scheduled article belonging to his principal.

Fixation of  
maximum  
and mini-  
mum prices  
or rates for  
scheduled  
articles.

3. (1) The Central Government may, by order notified in the Official Gazette, fix in respect of any scheduled article the maximum price or rate which may be charged by a dealer or the minimum price which is to be paid by a purchaser.

(2) Any order made under sub-section (1) may fix the maximum prices or rates or the minimum price to be paid by the purchaser for the same description of scheduled articles differently in different localities or for different classes of dealers.

Offence of  
profiteering  
and hoarding.

4. (1) Any dealer who profiteers in any scheduled article shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both, and the scheduled article in respect of which the offence has been committed or such part thereof as to the court may seem fit shall be forfeited to the Government.

(2) Any person found deliberately hoarding any article or commodity required for the daily life of the people, shall be punished

with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

5. (1) Any dealer who, without reasonable excuse,—

(a) refuses to sell any scheduled article, or

(b) refuses to sell any scheduled article at the price or rate fixed in respect thereof under section 3,

Offence of refusal to sell and purchasing at price less than the minimum.

shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

*Explanation.*—The possibility or expectation of obtaining a higher price for a scheduled article at a later date shall not be deemed to be a reasonable excuse for the purposes of this section.

(2) Any purchaser who purchases any scheduled article at any price less than the minimum price fixed therefor under section 3 shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

6. (1) Every dealer shall, on requisition by an Officer duly authorised in this behalf by the Central Government by order notified in the Official Gazette, submit to him in the form specified in the Second Schedule by such date and relating to such period as may be mentioned in the requisition, returns of stocks of any scheduled article acquired, held or sold by him.

Dealer to submit returns, maintain accounts and furnish information, etc.

(2) Every dealer, unless exempted by an order made in this behalf, shall—

(a) keep in the form specified in the Third Schedule a true account of any scheduled article acquired, held or sold by him after the commencement of this Act;

(b) display in his place of business in a prominent manner so as to be open to public view, a list of these scheduled articles intended for sale the prices or rates of which have been fixed under section 3 in respect of such dealer, with the prices or rates, so fixed in respect thereof;

(c) furnish to any officer referred to in sub-section (1), of this

section, or any police officer referred to in sub-section (2) of section 8, any information in respect of the acquisition or sale by him of any scheduled article mentioned in clause (b);

(d) make available to any officer mentioned in clause (c) for his inspection such accounts, registers, vouchers or other documents relating to the import, production, purchase or sale of any scheduled article mentioned in clause (b) or matters connected therewith as may be required by him.

Power to  
search and  
seize.

7. When any police officer not below the rank of a Sub-Inspector of Police has reasonable grounds for believing that there has been a contravention of any of the provisions of this Act, such officer may, after recording in writing the grounds of his belief, at all reasonable hours enter and search any place where a dealer keeps, or is for the time being keeping, any scheduled article, accounts, registers, vouchers or other documents referred to in clause (d) of sub-section (2) of section 6 and if necessary inspect, seize or retain all or any of them for so long as they may be required for any investigation into any offence under this Act.

Cognizance  
of offence  
and arrest  
without  
warrant.

8. (1) All offences punishable under this Act shall be cognizable.

(2) Any police officer not below the rank of a Sub-Inspector of Police may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been concerned in any of the offences punishable under this Act.

Indemnity.

9. No suit, prosecution or other legal proceeding shall lie against any public servant for anything which is in good faith done or intended to be done under this Act or any order made thereunder.

Power to  
add to the  
First  
Schedule.

10. The Central Government may, by order notified in the Official Gazette, add to the First Schedule any other article of daily use, and thereupon that Schedule shall be deemed to be amended accordingly and the article so added shall be deemed to be a scheduled article within the meaning of this Act.

Effect of  
orders incon-  
sistent with  
the Essential  
Commodities  
Act, 1955,  
or orders  
thereunder.

11. If any order controlling the price of any essential commodity within the meaning of the Essential Commodities Act, 1955, has been made before the commencement of this Act or is made after such commencement and such essential commodity is a scheduled article within the meaning of this Act, that order shall have effect notwithstanding anything inconsistent therewith contained in this Act or any order made thereunder.

**FIRST SCHEDULE**

[See section 2 (g) and section 10]

1. Rice and rice in the husk
2. Wheat and wheat products
3. Pulses
4. Spices
5. Edible oil
6. Sugar
7. Baby food
8. Paper
9. Drugs and medicines
10. Skimmed milk powder
11. Kerosene.

**SECOND SCHEDULE**

[See section 6(1)]

Form of Return of Stocks for the period from \_\_\_\_\_ to \_\_\_\_\_  
 Name of dealer \_\_\_\_\_, whether producer, importer, whole-  
 saler or retailer.

Address of place of business \_\_\_\_\_

Description of scheduled article.	Stocks held at the beg- inning of the period.	Stocks subsequently acquired with date and price of acqui- sition and names and addresses of persons from whom acquired.	Stocks sold during the period together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retai- lers).	Stocks held at the end of the period (except in the case of retailers).
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## STATEMENT OF OBJECTS AND REASONS

Cases of hoarding of and profiteering in food grains, medical supplies, cloth and several other commodities essential to the daily life of the people have become common, but there being no deterrent punishment under a specified Act for these offences, these cases have gone on increasing at the hands of anti-social elements. It is felt that a severely deterrent punishment should be prescribed for these offences. This Bill seeks to make provision accordingly.

SEETA PARMANAND

## II

## BILL No. XXII OF 1960

*A Bill to abolish State Patronage to religious institutions*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

**Short title and extent.** 1. (1) This Act may be called the Abolition of State Patronage to Religious Institutions Act, 1960.

(2) It extends to the whole of India.

**Definitions.** 2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “patronage” means any sort of grant-in-aid or concession, or exemption from taxation or levy, or recognition, or any other similar consideration;

(b) “religion” includes Hinduism, Sikhism, Jainism, Buddhism, Zoroastrianism, Islam, Christianity and Bahaism and any form or development of any of those religions.

**Prohibition of patronage to religious institutions by Central Government.** 3. No institution subscribing to any religion or controlled or managed by any individual or body of persons professing any particular religion and intended exclusively for the benefit of persons belonging to that religion shall be given any patronage by the Central Government.



### STATEMENT OF OBJECTS AND REASONS

India is a secular State. To preserve the secular character of the State it is essential to take steps for the abolition of State patronage to religious institutions in India intended exclusively for the benefit of persons belonging to a particular religion. Hence this Bill.

P. N. RAJABHOJ.

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S. N. MUKERJEE,  
*Secretary.*

